

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

GLADYS ALAS, MARIA CARMEN BABB,
NORBERTO DUBLAN, and ISABEL LUGO

PLAINTIFFS

v.

CASE NO. 05-5154

ROCKLINE INDUSTRIES, INC.,

DEFENDANT

ORDER

Currently before the Court is **Plaintiffs' Motion for Refund of Filing Fee (Doc. 46)**. Plaintiffs previously filed a notice of appeal of the Court's order denying their motion for class certification. The Eighth Circuit Court of Appeals construed the notice as a petition for permission to appeal. Plaintiffs paid an appellate filing fee of \$455.00, but the payment of such was not due unless and until the Eighth Circuit granted plaintiffs' petition for permission to appeal. See Fed. R. App. P. 5(d)(1)(A). As the Eighth Circuit denied plaintiffs' petition, they are entitled to a refund of the filing fee. Accordingly, plaintiff's Motion (Doc. 46) is hereby **GRANTED** and the district court clerk is directed to refund the \$455.00 filing fee to plaintiffs.

IT IS SO ORDERED this 16th day of February, 2007.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE